

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:     JOHN FREDRICK IRWIN     JOY ANN  
             IRWIN

Debtor(s)  
CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE

CHAPTER 13

Movant  
vs.  
JOHN FREDRICK IRWIN     JOY ANN  
IRWIN

CASE NO: 1-19-03439-HWV

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on December 16, 2019, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney James K. Jones, Esquire, and respectfully represents the following:

1. A Plan was filed on August 12, 2019.
2. A hearing was held and an Order was entered on October 23, 2019 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ James K. Jones, Esq.

Id: 39031

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

Fax. 717-566-8313

eMail: jjones@pamd13trustee.com

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CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 1-19-03439-HWV

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Ronald Reagan Federal Bldg  
Bankruptcy Courtroom, 3rd Floor  
228 Walnut Street  
Harrisburg, PA 17101

Date: January 22, 2020

Time: 09:35 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: December 16, 2019

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JOY ANN IRWIN

Debtor(s)

CHARLES J. DEHART, III  
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JOHN FREDRICK IRWIN  
JOY ANN IRWIN

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on December 16, 2019, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

STEPHEN WADE PARKER, ESQUIRE  
MOONEY AND ASSOCIATES, PC  
230 YORK STREET  
HANOVER, PA 17331-

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

JOHN FREDRICK IRWIN  
1 WHITE BIRCH DRIVE  
LITTLESTOWN, PA 17340

Served by 1<sup>st</sup> Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 16, 2019

Respectfully,  
Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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CHAPTER 13

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.